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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF ALYSSA G. OLSON
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
PLAINTIFFS' OPPOSITION TO
MOTION EXCLUDE OPINIONS OF
PLAINTIFFS' EXPERT BRUCE
SCHNEIER (DKT. 664)**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Alyssa G. Olson, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney at Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I make
4 this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness, I
5 could and would testify competently thereto.

6 2. I am making this declaration pursuant to Civil Local Rule 79-5(e)-(f) as an attorney
7 for Google as the Designating Party, pursuant to Civil Local Rule 79-5(f)(3) in response to Dkt.
8 699.

9 3. On August 19, 2022, Plaintiffs filed their Administrative Motion to Consider
10 Whether Google’s Materials Should Be Sealed regarding Plaintiffs’ Opposition to Motion to
11 Exclude Opinions of Plaintiffs’ Expert Bruce Schneier (Dkt. 664). On August 19, 2022, I received
12 an unredacted service copy of these documents.

13 4. The common law right of public access to judicial proceedings is not a constitutional
14 right and it is “not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Crowe v.*
15 *Cty. of San Diego*, 210 F. Supp. 2d 1189, 1194 (S.D. Cal. 2002) (“[T]here is no right of access which
16 attaches to all judicial proceedings.” (internal citations omitted)). In the context of dispositive
17 motions, materials may be sealed in the Ninth Circuit upon a showing that there are “compelling
18 reasons” to seal the information. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179-
19 80 (9th Cir. 2006). However, a party seeking to seal information in a non-dispositive motion must
20 show only “good cause.” *Id.* at 1179-80. Courts in this District have held that motions to exclude
21 the testimony of experts are non-dispositive. *TVIIM, LLC v. McAfee, Inc.*, 2015 WL 3623656, at *4
22 (N.D. Cal. June 10, 2015) (“Because Plaintiff’s motion to exclude testimony is not
23 a dispositive motion, the Court applies the “good cause” standard.”). Such sealing is appropriate
24 when the information at issue constitutes “competitively sensitive information,” such as
25 “confidential research, development, or commercial information.” *France Telecom S.A. v. Marvell*
26 *Semiconductor Inc.*, 2014 WL 4965995, at *4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen.*
27 *Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to
28 “prevent disclosure of materials for many types of information, including, but not limited to, trade

secrets or other confidential research, development, or commercial information”); *Standard & Poor’s Corp. Inc. v. Commodity Exch., Inc.*, 541 F. Supp. 1273, 1275 (S.D.N.Y. 1982) (“[T]he overriding interest to be found in business confidences . . . require[s] . . . temporary reasonably restricted access to the Courtroom of members of the public.”).

5. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil Local Rule 79-5(f). Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
Plaintiffs’ Opposition to Motion to Exclude Opinions of Plaintiffs’ Expert Bruce Schneier (Dkt. 664). Pages 6: 6, 11:22-24, 16: 15-17	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including revenue numbers and various types of Google’s internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit 1 to Frawley Declaration - GOOG-CABR-00128941 Seal Entirely	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of

1		cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
2		
3	Exhibit 3 to Frawley Declaration -	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
4	GOOG-CABR-00111416	
5	Pages -1419	
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14	Exhibit 4 to Frawley Declaration -	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
15	GOOG-BRWN-00051239	
16	Seal Entirely	
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26	Exhibit 9 to Frawley Declaration -	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google
27	GOOG-CABR-00501220	
28	Pages -1221-1222, -1224-1225	

1		maintains as confidential in the ordinary course of its
2		business and is not generally known to the public or
3		Google's competitors. Such confidential and proprietary
4		information reveals Google's internal strategies, system
5		designs, and business practices for operating and
6		maintaining many of its important services, and falls within
7		the protected scope of the Protective Order entered in this
8		action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such
9		confidential and proprietary information could affect
		Google's competitive standing as competitors may alter
		their systems and practices relating to competing products.
		It may also place Google at an increased risk of
		cybersecurity threats, as third parties may seek to use the
		information to compromise Google's internal practices
		relating to competing products.

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11 6. Google's request is narrowly tailored in order to protect its confidential information.
12 These redactions are limited in scope and volume. Because the proposed redactions are narrowly
13 tailored and limited to portions containing Google's highly-confidential or confidential information,
14 Google requests that the portions of the aforementioned documents be redacted from any public
15 version of those documents.

16 7. Google does not seek to redact or file under seal any of the remaining portions of
17 documents not indicated in the table above.

18 I declare under penalty of perjury of the laws of the United States that the foregoing is true
19 and correct. Executed in Culver City, California on September 9, 2022.

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21 By /s/ Alyssa G. Olson
22 Alyssa G. Olson
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